

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 7, 2009

- D054936 In re Jerry V., a Juvenile**
The order is affirmed. Irion, J.; We Concur: Haller, Acting P.J., Aaron, J.
- D053791 People v. Hall**
The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.
- D054440 Imperial Asset Management, LLC v. Matthews Land, Inc./Westmount Properties, LLC**
The petition for rehearing is denied.
- D055692 Berlo v. Daniel**
Because appellant did not timely pay the filing fee, the appeal is dismissed.
- D056251 Kunit v. Kingston**
Because appellant did not timely pay the filing fee, the appeal is dismissed.
- D052827 People v. Gonzalez**
The petition for rehearing is denied.
- D056349 People v. Ornelas**
The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.
- D056225 In re Carlos Tevenal on Habeas Corpus**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 8, 2009

- D053218 McGuire v. 235 On Market Homeowners Association**
D054131 McGuire v. 235 On Market Homeowners Association
(Consolidated) We affirm the judgment. The parties to bear their own costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.
- D054633 People v. Rodriguez**
The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Haller, J.
- D053466 Woodbury v. Seacrest Villas Homeowners Association**
The request for publication is denied.
- D055368 In re Jennifer W. et al., Juveniles**
The orders are affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Aaron, J.
- D056227 In re Johnson on Habeas Corpus**
The petition is denied.
- D053621 Korea Water Resources Corporation v. Lee**
The judgment is affirmed. Lee to pay Korea Water's costs on appeal.
Haller, J.; We Concur: McConnell, P.J., McDonald, J.
- D054202 Sommer v. Hawkes**
The order is affirmed. Costs on appeal are awarded to Hawkes.
McDonald, J.; We Concur: McConnell, P.J., Aaron, J.
- D056325 In re Edwards on Habeas Corpus**
The petition is denied.
- D056363 Kenny et al. v. Superior Court of San Diego County/The Automotive Group, Inc., et al.**
The petition for writ of mandate has been read and considered by Justices Haller, McDonald and O'Rourke. The petition is denied.
- D055677 Valadez v. Workers' Compensation Appeals Board and California Insurance Guarantee Association et al.**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 9, 2009

- D054888 People v. Davis**
The judgment is affirmed. Benke, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D056156 Jane R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorney for petitioner Jane R. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.
- D055703 White v. Cortez et al.**
Respondent's motion to dismiss the appeal and appellant's opposition have been read and considered by Presiding Justice McConnell and Associate Justices Haller and McDonald. The motion is granted. The appeal filed on August 14, 2009, is dismissed.
- D056374 5th Avenue Partners LLC v. Superior Court of San Diego County/Highland Partnership, Inc., et al.**
The petition for writ of mandate and request for stay have been read and considered by Justices Haller, McDonald and O'Rourke. The petition is denied.
- D055938 In re I.S. et al., Juveniles**
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D056269 In re Morgan on Habeas Corpus**
The petition is denied.
- D056238 Rodriguez v. Superior Court of San Diego County/Fregoso**
The petition is denied.
- D056122 Anthony S. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorney for petitioner R.S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. No timely petition for writ relief has been filed for Anthony S. The notice of intent as to Anthony S. is deemed to be abandoned. The case is dismissed.
- D056109 Sierra A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
No timely petitions for writ relief have been filed. The notices of intent of Sierra A. and P. A. are deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 9, 2009 (Continued)

D056208 People v. Green et al.

Respondent's motion to dismiss the appeal has been read and considered by Presiding Justice McConnell and Associate Justices Haller and McDonald. The motion is granted. The appeal filed on November 3, 2009, is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 10, 2009

D056328 In re Williams on Habeas Corpus
The petition is denied.

**D056252 Claremont Liability Insurance Company v. Superior Court of San Diego
County/St. Paul Fire and Marine Insurance Company**
The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and
 The Honorable Associate Justices Alex McDonald and Cynthia Aaron
Clerk: D. Moore

D054047 Dean v. Smykowski
Cause called on merits. Kenneth Stone, Esq. argued for appellant.
Gerry C. Schmelter, Esq. argued for respondent. Mr. Stone replied.
Cause submitted.

Court recessed at 10:14 a.m. until Monday, December 14, 2009 at 9:00 a.m.

D055017 People v. Alexander
Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is
ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D056257 Shikhali v. Scripps Health
Because appellant did not timely pay the filing fee, the appeal is dismissed.
(Cal. Rules of Court, rule 8.100(c)(3).)

D056386 In re Emmett Johnson on Habeas Corpus
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 11, 2009

D055346 In re Peter C., et al. juveniles

The appeal is dismissed.

D054691 In re Ricardo A., a Juvenile

The judgment is affirmed.

Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D056367 In re Daniels on Habeas Corpus

The petition is denied.

D056364 In re Smith on Habeas Corpus

The petition is denied.

D056384 In re Dixon on Habeas Corpus

The petition for writ of habeas corpus was read and considered by Justices Haller, McDonald and O'Rourke.

In 1998, a Los Angeles County Superior Court jury found Robert Dixon guilty of drug offenses. The court found the strike prior conviction allegations true, sentenced him to 26 years to life, and imposed a restitution fine. The judgment was affirmed on appeal to the Second District Court of Appeal (B125461).

Dixon asserts he recently filed a petition for writ of habeas corpus in the Los Angeles County Superior Court challenging the restitution fine, but he has received no response. Dixon is now requesting habeas relief from this court and arguing the sentencing court erred by not considering his ability to pay before imposing a restitution fine.

"A Court of Appeal may deny without prejudice a petition for writ of habeas corpus that is based primarily on facts occurring outside the court's appellate district, including petitions that question: [¶] (A) The validity of judgments or orders of trial courts located outside the district" (Cal. Rules of Court, rule 8.385(c)(1)(A).)

The petition is denied without prejudice to refile in the Second District Court of Appeal, Ronald Reagan State Building, 300 South Spring Street, Second Floor, Los Angeles, California 90013. The clerk is directed to retain one copy of the petition for our records and to return the original petition, exhibits and all other copies to Dixon so he may file them in the appropriate court.

D055499 People v. Fletcher

The judgment is reversed. McConnell, P.J.; We Concur: Nares, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 11, 2009 (Continued)

D055540 In re A.L. et al., Juveniles

The judgment is reversed. The case is remanded to the juvenile court with directions to hold a new section 388 hearing. At the hearing, the court shall determine whether L.N. has established the elements of section 388 by a preponderance of the evidence. If the court denies the section 388 petition, it shall hold a new section 366.26 hearing.

Aaron, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D056267 In re Cannon on Habeas Corpus

The petition is denied.

D056270 In re Erickson on Habeas Corpus

The request for judicial notice is granted. The petition is denied without prejudice to refiling in superior court in the first instance.

D051347 Kipperman v. Moores et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear its own costs on appeal.

D056318 In re Gallegos on Habeas Corpus

The petition is denied.

D056368 In re Flores on Habeas Corpus

The petition is denied.